

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JOSEPH MULLADY,

Petitioner,

-against-

NEW YORK STATE DEPARTMENT OF
CORRECTIONS & COMMUNITY SUPERVISION,

Respondent.

ANALISA TORRES, District Judge:

USDC SDNY
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21 Civ. 6108 (AT) (JW)

ORDER

Before the Court is the Report and Recommendation (“R&R”), ECF No. 40, from the Honorable Jennifer E. Willis, recommending that the petition for a writ of habeas corpus be denied in its entirety and that the case be dismissed.

On July 15, 2021, Petitioner *pro se*, Joseph Mullady, filed an application under 28 U.S.C. § 2254. ECF No. 1. Petitioner alleged that Respondent violated his constitutional rights by holding his fourth and fifth parole reconsideration interviews late in violation of New York Executive Law § 259-i(2)(a). *See id.* Petitioner also argued, in his reply brief, that his 1988 sentence was grossly disproportionate to his crime, amounting to cruel and unusual punishment. ECF No. 28 at 13–14; *see* R&R at 1.

After careful consideration, Judge Willis issued the R&R, proposing that the Court deny the petition for a writ of habeas corpus. *See* R&R at 17. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.*; ECF No. 53; *see* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at *1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error.

Accordingly, the Court ADOPTS Judge Willis’s R&R in its entirety. Petitioner’s application for relief under 28 U.S.C. § 2254 is DENIED. The Clerk of Court is directed to terminate all pending motions, enter judgment consistent with this order and the R&R, and close the case.

SO ORDERED.

Dated: February 28, 2024
New York, New York


ANALISA TORRES
United States District Judge